

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

MICHAEL ARGENYI  
Plaintiff,

v.

CREIGHTON UNIVERSITY,  
Defendant

Case No. 8:09CV341

**PROPOSED VOIR DIRE**

Counsel for the Plaintiff hereby proposes the following for the Court's  
questioning of prospective jurors:

**PARTIES, WITNESSES, AND COUNSEL**

The following individuals may testify in this case:

*Michael Argenyi*

*Dr. Britt Thedinger*

*Richard Okamoto*

*Margaret "Mydge" Heaney*

*Christopher Moreland*

*Michael Kavan*

*Dr. Thomas Hansen*

*Dr. Floyd Knoop*

*Ronda Rankin*

*Dr. Douglas Backous*

*Stacey Watson*

*Brenna Carroll*

*Pam Madsen*

*Esther Argenyi*

*Robert Pollard*

*Alice Smith*

*Jodi Lange*

*Wade Pearson*

*Chuck Lenosky*

*Dr. Tom Pisarri*

*Dr. Eugene Barone*

*Dr. Kathryn Hugget*

*Dr. Terry Zach*

*Dr. Christy Reenmeester*

*Dr. Theresa Townley*

Please raise your hand if you know any of these individuals.

IF SO: Who do you know? How do you know these individuals?

How many of you know any of the following lawyers or law firms:

*Scott P. Moore*

*Allison Balus*

*Dianne DeLair*

*Mary Vargas*

*Caroline Jackson*

*Baird Holm, LLP*

*Stein & Vargas, LLP*

*Disability Rights Nebraska*

*National Association of the Deaf*

IF SO: Who do you know? How do you know this person? Did this lawyer or firm represent you or your employer? Did this lawyer or firm represent someone against you? Did this firm represent someone you know?

#### **CREIGHTON UNIVERSITY**

How many of you have had any contact with Creighton University, for example, as an employee, contractor, student, or in any other capacity?

IF SO: What is your contact or involvement with Creighton? Have you made financial contributions or supported the University in other ways?

How many of you have family members who are or have been students at Creighton University?

IF SO: How many in your family attended Creighton? How many are graduates? Does anyone in your family make financial contributions or participate in alumni activities?

How many of you have attended sporting events involving Creighton University?

IF SO: What events have you attended? How often do you attend these events? Are you

a season ticket holder? Are you a club member? Do you support Creighton athletics either financially, or through ticket or merchandise purchases? As a Creighton sports fan how many of you would start out with a slight or strong leaning in the University's favor due to a sense of loyalty?

Have any of you, or your close family members or friends, attended Creighton Prep, Duchesne, Marian, or other Catholic high schools that feed into Creighton University?  
IF SO: Explain.

Do any of you or any members of your families or close friends have a pending application for admission to enroll as a student at Creighton or a pending application for employment at Creighton?  
IF SO: Please explain who and the current status of their application.

How many of you know someone who is or was a student or employee at Creighton's medical school?  
IF SO: Please explain.

Have any of you or your family members been a patient at one of Creighton's healthcare clinics or facilities?  
IF SO: Please explain.

For those jurors with any anticipated, prior or current Creighton affiliation: How many

of you have positive views about the University? Do any of you have any negative views about the University?

The claim in this case is that Creighton University violated the ADA and federal regulations by not agreeing to provide the required disability accommodations requested by a student in its medical school. Knowing only that information would any of you start out with a slight or strong leaning in the University's favor due to a sense of loyalty?

Based on your own experiences and observations while at the University, do you have any opinions or impressions about whether Creighton is properly accommodating students with disabilities?

Would any of you be more confident of your ability to be impartial if this case involved a school other than Creighton?

For those with no past or current affiliation with Creighton: How many of you are familiar with Creighton University as a local institution?

Would your knowledge of Creighton or any sense of loyalty to Creighton as a local institution lead you to start out leaning slightly or strongly in its favor?

Creighton University is a Catholic and Jesuit institution. How many of you would tend to believe that a Catholic or Jesuit university is less likely to break the law? How many of

you would be more confident in your ability to be impartial if this case involved an institution that was not Catholic or Jesuit?

IF SO: Explain.

### **HEALTH CARE EXPERIENCE**

Have any of you, or any family or close personal acquaintances, worked or trained or considered studying in any health care settings, as a nurse, a doctor, medical student, nursing student, paramedic, EMT, home care attendant, certified nursing assistant, or in any other capacity?

IF SO: What was your involvement in a health care setting? Can you tell us about that experience?

Do any of you know anyone who has been to medical school?

IF SO: Explain.

Some people are reluctant to question decisions made by doctors. How many of you would be reluctant to question the decisions made by doctors in charge of a medical school as to what types of aids or services are needed by a deaf medical student to ensure effective communication?

As you sit here now, how many of you would tend to assume that a medical school would not consciously choose to provide aids and services to a deaf student that resulted in ineffective communication?

## **DISABILITY**

How many of you know someone who is deaf or has a hearing disability - meaning a significant limitation on the ability to hear short of total hearing loss?

IF SO: What types of assistance or accommodations does he/she require for effective communication? Have accommodations he/she requested been denied? What was the reason and the result? What is your opinion about the result?

How many of you have ever had a conversation with a person who is deaf?

IF SO: How were you able to communicate? Do you believe that how you communicated with that person will work with all deaf people?

How many of you know someone or have ever communicated with someone with a cochlear implant?

IF SO: Explain. What is your relationship with that person? How well do they hear?

How do they communicate? Do you think the cochlear implant cured their hearing loss?

Do you think that how you communicated with that person will work for all people?

Have you ever communicated with a deaf or hard of hearing person who reads lips?

IF SO: What were the circumstances? How did you communicate with that person? Do you think all deaf people can lipread as well as that person?

Some people differ whether deaf people should know sign language or not. Do any of you have opinions about how deaf people should communicate? If so, what are your opinions?

How many of you have worked for a company or an organization that provided assistance or accommodations for hearing impaired or deaf clients, customers or employees?

IF SO: What types of accommodations were provided? How did you feel about your company or organization providing the accommodations?

Do any of you know of any situation where a request for a specific type of hearing loss accommodation such as captioning or interpreters was denied?

IF SO: Please explain.

Do any of you think that an individual with a disability should just accept that some places are inaccessible?

IF SO: Can you explain?

Do any of you think that businesses should not be required to spend money to accommodate individuals with disabilities?

IF SO: Can you explain?

Do any of you have doubts about the abilities of people with disabilities, including deaf people, to work hard and succeed in anything they choose?



IF SO: Can you explain?

## **EXPERIENCE**

Have any of you been involved in any way in a situation where someone claimed the laws or regulations prohibiting some type of discrimination were violated? This would include being a party, a witness, an advocate, an insurance company claim handler or an arbitrator/mediator.

IF SO: Please explain when this occurred, what your role was, and what were the outcomes of any claims. What did you think about the outcome?

Have you heard or read about any claims of discrimination that you thought were false, exaggerated or unjustified?

IF SO: What was the nature of the claim and why did it appear false or unjust?

Have any of you ever had a job in which you had some involvement in your employer's compliance with the ADA or any other federal laws and regulations?

IF SO: Please explain. Were you ever aware of or involved in any disagreements of any kind regarding compliance with disability laws?

Have any of you ever been asked to make changes or provide access for a person with a disability?

IF SO: Please explain. Did you make the requested change or provide access? Was the person with a disability satisfied with what you provided? Were you satisfied with the

end result? Did you think it was fair for you to have to make those changes or provide access for the person with a disability?

Have you ever had a job where you or your employer received federal funding?

IF SO: Explain. Please explain how you felt about having to comply with the nondiscrimination requirements of federal funding?

Do any of you have any other experiences, knowledge or training in the areas of disability accommodations, discrimination or hearing loss?

#### **MEDIA COVERAGE**

Have any of you seen or heard anything about this case?

IF SO: What did you see or hear? Please describe your reactions to what you have seen or heard about the case and your current impressions of the parties or the dispute.

#### **ABILITY TO SERVE**

Is there any experience or opinion I have not touched upon that would make you uncomfortable about sitting as a juror in this case?

This trial may go on for 4-7 days, and the days may not follow one another. Is there anyone who would be unable to serve for this length of time?

Submitted this 13<sup>th</sup> day of August, 2013.

FOR THE PLAINTIFF,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Scott P. Moore  
Chris Hedican  
Allison Balus

s/Dianne D. DeLair

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